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Opinion

1958

January 14

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CONCORD, N.H.

Mr. Adelard E. Cote  
Commissioner of Labor  
Department of Labor  
Concord, New Hampshire

Dear Mr. Cote:

In your letter of January 8, 1958 you request the opinion of this office on the question of whether extra help hired by apple growers during the harvest season and whose duties consist of picking, sorting and packing apples would be classified as farm labor within the meaning of RSA 281:2 I, as amended by Laws of 1957, 187. Our answer is in the affirmative.

Apple growing is a recognized agricultural activity and certainly the harvesting of the apple crop and the preparation of the same for shipment to the market is as much an agricultural pursuit as the harvesting and preparation for market of any other crop. The fact that it is necessary to hire extra help on a temporary basis for this purpose during the harvesting season would not therefore take such activity out of the category of farm labor.

You also inquire as to whether the 1957 amendments which include an exemption of "casual employees" from the provisions of the Workmen's Compensation Act would apply to the above type of work. In view of the foregoing opinion that such workers are exempt from the provisions of the act as farm labor we do not feel there appears to be any necessity for an opinion on your second question at this time.

Sincerely yours,

John J. Zimmerman  
Assistant Attorney General

JJZ/lr